

1 file



PTO/SB/21 (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h2 style="margin: 0;">TRANSMITTAL FORM</h2> <p style="font-size: small; margin: 5px 0;">(to be used for all correspondence after initial filing)</p>	Application Number	10/829,019
	Filing Date	April 20, 2004
	First Named Inventor	Jamy GANNOE
	Art Unit	3731
	Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission		12 pages + 9 refs.
Attorney Docket Number		514362000910

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement - 3 pages <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO-1449 + duplicate copy - 8 pages Nine (9) references Return receipt postcard
<div style="border: 1px solid black; width: 150px; height: 20px; margin-bottom: 5px; float: left;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Mika Mayer - 47,777
Signature	
Date	July 13, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: July 15 2004	Signature: (Patricia M. Ellison)



PATENT
Docket No. 514362000910

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on July 15, 2004.

Patricia M. Ellison

Patricia M. Ellison

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Jamy GANNOE et al.

Serial No.: 10/829,019

Filing Date: April 20, 2004

For: METHOD AND DEVICE FOR USE IN
TISSUE APPROXIMATION AND
FIXATION

Examiner: Not Yet Assigned

Group Art Unit: 3731

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Pursuant to the USPTO notice dated July 11, 2003, waiving the requirement under 37 C.F.R. § 1.98 (a)(2)(i) to provide copies of U.S. Patents and U.S. Published Applications, copies of those references numbered 2 - 4, 6, 8-12, 25, 31, 41, 42, 49, 52, 53, 56, 60, 63, 64, 68, 79, and 82 are not submitted. Copies of foreign documents numbered 83, 85, 89, 90, and 92 - 96 are submitted

herewith. However, copies of the remaining documents cited in the attached Form PTO-1449 were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial Number 10/188,547, filed July 2, 2002, and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97(e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of ___ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of ___ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. §1.17(p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **514362000910**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 13, 2004

Respectfully submitted,

By:


Mika Mayer
Registration No. 47,777

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-4298
Facsimile: (650) 494-0792

Form PTO-1449

Docket Number 514362000910

Application Number 10/829,019

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

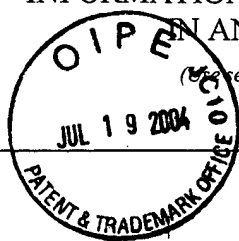
Applicant

Jamy GANNOE et al.

Filing Date April 20, 2004

Group Art Unit Not Yet Assigned

Mailing Date July 15, 2004



U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	04/04/2002	2002/0040226	Laufer et al.			
	2.	06/13/2002	2002/0072761	Abrams et al.			
	3.	06/27/2002	2002/0082621	Schurr et al.			
	4.	10/03/2002	2002/0143346	McGuckin, JR et al.			
	5.	12/19/2002	2002/0193816	Laufer et al.			
	6.	05/15/2003	2003/0093117	Saadat			
	7.	06/12/2003	2003/0109935	Geitz			
	8.	06/12/2003	2003/0109892	Deem et al.			
	9.	06/26/2003	2003/0120265	Deem et al.			
	10.	06/26/2003	2003/0120289	McGuckin, JR. et al.			
	11.	08/21/2003	2003/0158563	McClellan et al.			
	12.	01/08/2004	2004/0006351	Gannoe et al.			
	13.	01/16/1979	4,134,405	Smit			
	14.	02/16/1982	4,315,509	Smit			
	15.	08/10/1982	4,343,066	Lance			
	16.	07/10/1984	4,458,681	Hopkins			
	17.	10/15/1985	4,547,192	Brodsky et al.			
	18.	12/17/1985	4,558,699	Bashour			
	19.	09/09/1986	4,610,383	Rothfuss et al.			
	20.	01/05/1988	4,716,900	Ravo et al.			
	21.	12/13/1988	4,790,294	Allred, III et al.			
	22.	06/27/1989	4,841,888	Mills et al.			
	23.	08/06/1991	5,037,021	Mills et al.			
	24.	01/14/1992	5,080,663	Mills et al.			
	25.	06/26/1993	5,222,961	Nakao et al.			
	26.	10/05/1993	5,250,058	Miller et al.			
	27.	11/23/1993	5,263,629	Trumbull et al.			

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 514362000910	Application Number 10/829,019
	Applicant Jamy GANNOE et al.	
	Filing Date April 20, 2004	Group Art Unit Not Yet Assigned
	Mailing Date July 15, 2004	

	28.	07/12/1994	5,327,914	Shlain			
	29.	07/19/1994	5,330,503	Yoon			
	30.	09/13/1994	5,345,949	Shlain			
	31.	10/18/1994	5,355,897	Pietrafitta et al.			
	32.	12/27/1994	5,376,095	Ortiz			
	33.	01/17/1995	5,382,231	Shlain			
	34.	04/04/1995	5,403,326	Harrison et al.			
	35.	08/01/1995	5,437,291	Pasricha et al.			
	36.	09/26/1995	5,452,837	Williamson, IV et al.			
	37.	06/18/1996	5,527,319	Green et al.			
	38.	08/27/1996	5,549,621	Bessler et al.			
	39.	11/05/1996	5,571,116	Bolanos et al.			
	40.	12/10/1996	5,582,616	Bolduc et al.			
	41.	12/17/1996	5,584,861	Swain et al.			
	42.	03/04/1997	5,607,094	Clark et al.			
	43.	04/29/1997	5,624,381	Kieturakis			
	44.	05/06/1997	5,626,588	Sauer et al.			
	45.	07/29/1997	5,651,769	Waxman et al.			
	46.	10/14/1997	5,676,674	Bolanos et al.			
	47.	11/25/1997	5,690,656	Cope et al.			
	48.	12/16/1997	5,697,943	Sauer et al.			
	49.	03/03/1998	5,772,990	Sugarbaker et al.			
	50.	03/17/1998	5,728,178	Buffington et al.			
	51.	05/12/1998	5,749,893	Vidal et al.			
	52.	05/26/1998	5,755,730	Swain et al.			
	53.	07/21/1998	5,782,844	Yoon et al.			
	54.	08/04/1998	5,788,715	Watson, Jr. et al.			
	55.	09/22/1998	5,810,882	Bolduc et al.			
	56.	09/22/1998	5,810,851	Yoon			

EXAMINER:	DATE CONSIDERED:
-----------	------------------

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 514362000910	Application Number 10/829,019
	Applicant Jamy GANNOE et al.	
	Filing Date April 20, 2004	Group Art Unit Not Yet Assigned
	Mailing Date July 15, 2004	

	57.	10/20/1998	5,824,008	Bolduc et al.			
	58.	10/27/1998	5,827,298	Hart et al.			
	59.	02/09/1999	5,868,141	Ellias			
	60.	03/30/1999	5,887,594	LoCicero, III			
	61.	04/27/1999	5,897,534	Heim et al.			
	62.	04/27/1999	5,897,562	Bolanos et al.			
	63.	06/08/1999	5,910,105	Swain et al.			
	64.	07/27/1999	5,928,264	Sugarbaker et al.			
	65.	09/07/1999	5,947,983	Solar et al.			
	66.	10/12/1999	5,964,772	Bolduc et al.			
	67.	10/12/1999	5,964,782	Lafontaine et al.			
	68.	10/26/1999	5,972,001	Yoon			
	69.	11/02/1999	5,976,161	Kirsch et al.			
	70.	03/28/2000	6,042,538	Puskas			
	71.	05/30/2000	6,067,991	Forsell			
	72.	09/05/2000	6,113,609	Adams			
	73.	12/12/2000	6,159,146	El Gazayerli			
	74.	01/30/2001	6,179,195	Adams et al.			
	75.	02/13/2001	6,186,985	Snow			
	76.	03/06/2001	6,197,022	Baker			
	77.	05/15/2001	6,231,561	Frazier et al.			
	78.	10/16/2001	6,302,917	Dua et al.			
	79.	12/11/2001	6,328,689	Gonzalez et al.			
	80.	12/17/2002	6,494,888	Laufer et al.			
	81.	01/14/2003	6,506,196	Laufer			
	82.	05/06/2003	6,558,400	Deem et al.			

EXAMINER:	DATE CONSIDERED:
-----------	------------------

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 514362000910	Application Number 10/829,019
	Applicant Jamy GANNOE et al.	
	Filing Date April 20, 2004	Group Art Unit Not Yet Assigned
	Mailing Date July 15, 2004	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
	83.	03/19/1986	EP 0 174 843	Europe				
	84.	04/15/1999	WO 99/17662	WIPO				
	85.	10/28/1999	WO 99/53827	WIPO				
	86.	06/08/2000	WO 00/32137	WIPO				
	87.	12/28/2000	WO 00/78227	WIPO				
	88.	12/28/2000	WO 00/78229	WIPO				
	89.	03/28/2002	WO 02/024080	WIPO				
	90.	12/05/2002	WO 02/096327	WIPO				
	91.	01/30/2003	WO 03/007796	WIPO				
	92.	12/04/2003	WO 03/099140	WIPO				
	93.	12/24/2003	WO 03/105563	WIPO				
	94.	12/24/2003	WO 03/105671	WIPO				
	95.	01/15/2004	WO 2004/004542	WIPO				
	96.	03/11/2004	WO 2004/019787	WIPO				

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	97.	Wullstein, C. and Gross, E. (2000). "Compression Anastomosis (AKA-2) in Colorectal Surgery: Results in 442 Consecutive Patients," <i>British Journal of Surgery</i> 87:1071-1075.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.